

REMARKS

Prior to entry of this amendment, claims 1-20 are currently pending in the subject application. Claims 1, 5, and 12 have been amended. Claims 21-31 have been added. Claims 1, 12 and 30 are independent. Claims 1-31 are presented for further or initial consideration on the merits.

A. Introduction

In the outstanding Office action,

- 1) claims 1-4, 6, 9-13 and 15-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,009,652 to Tanida et al. (“the Tanida et al. reference”);
- 2) claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of U.S. Patent No. 6,366,319 to Bills (“the Bills reference”);
- 3) claims 7 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of U.S. Patent No. 6,137,535 to Meyers (“the Meyers reference”); and
- 4) claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of Examiner’s Official Notice.

B. Applicant Initiated Interview Summary

On February 21, 2008, an applicant-initiated interview was conducted in person with Examiner Khan and Examiner Khan. As required by 37 C.F.R. § 1.133(b), applicants’ herewith provide a summary of that interview:

1. Brief Description of any Exhibit Shown

No exhibit was shown or demonstrated during the interview.

2. Identification of the Claims Discussed

The Examiners and applicant's representative discussed the independent claims 1 and 12 with respect to the rejections based on the Tanida et al. reference, especially in view of the Amendment filed February 5, 2008.

3. Identification of the Specific Prior Art Discussed

The Examiner and applicant's representative discussed the Tanida et al. reference.

4. Identification of the Proposed Amendments

As presented above in the instant amendment, the Examiners indicated that an amendment to the independent claims 1 and 12 more clearly defining multiple sub-pixel resolution elements would be helpful in defining over the applied art.¹

5. Summary of the Arguments Presented to the Examiners

Applicant's representative also presented arguments as to why claims 1 and 12 recite elements that are not disclosed or suggested by the Tanida et al. reference. In particular, applicant's representative argued that the phrase "multiple sub-pixel resolution elements," as recited in claims 1 and 12, is not disclosed or suggested by the Tanida et al. reference.

6. General Indication of Other Pertinent Matters Discussed

No other pertinent matters were discussed during the interview.

7. General Outcome of the Interview

The Examiners and applicant's representative agreed that the outstanding rejections based on the Tanida et al. reference may be overcome by amending claims 1 and 12 to more particularly define multiple sub-pixel resolution elements.

C. Asserted Anticipation Rejection of Claims 1-4, 6, 9-13 and 15-16

In the outstanding Office action, the Examiner rejected claims 1-4, 6, 9-13 and 15-16 under 35 U.S.C. § 102(e) as being anticipated by the Tanida et al. reference. Claims 1 and 12 have been amended to more clearly recite embodiments. This rejection is respectfully traversed for at least the reasons set forth below.

¹ The Examiners also indicated the non-zero determinant of claim 1 may be relied on, but on further consideration, applicants believe the sub-pixel resolution elements are more pertinent.

Claims 1 and 12 now recite, inter alia, "each sub-pixel resolution element being smaller than a detector, a pattern of the multiple sub-pixels resolution elements being substantially the same for the plurality of detectors associated with a corresponding lens." Support for this limitation may be found, for example, in FIG. 2 and paragraph [0034] of the original specification.²

In contrast, the elements relied on in the Tanida et al. reference are the same across an individual camera system, referred to as a unit in the Tanida et al. reference.³ As now clarified in claims 1 and 12, each sensor pixel is a detector, and the sub-pixel resolution elements are smaller than the detector. In contrast, all of elements 2a, 4a or 7 in the Tanida et al. reference are larger than the photosensitive elements 3a. Further none of these elements are provided for each photosensitive element 3a corresponding to a lens, as now recited in claims 1 and 12.

Therefore, the Tanida et al. reference fails to disclose or even suggest the sub-pixel resolution elements recited in claims 1 and 12. The remaining rejected claims depend, either directly or indirectly, from respective ones of these claims and are similarly believed to be allowable. Therefore, it is respectfully requested that this rejection be withdrawn.

D. Asserted Obviousness Rejection of Claim 5

In the outstanding Office action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Bills reference. The Bills reference fails to provide the teachings noted above as missing from the Tanida et al. reference. Therefore, it is respectfully submitted that claim 5 is allowable for at least the reason its base claim 1 is allowable. Therefore, it is respectfully requested that this rejection be withdrawn.

² Reference to paragraph numbering herein is to the published application.

³ Office action dated August 7, 2007, page 3.

E. Asserted Obviousness Rejection of Claims 7 and 14

In the outstanding Office action, the Examiner rejected claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Meyers reference. The Meyers reference fails to provide the teachings noted above as missing from the Tanida et al. reference. Therefore, it is respectfully submitted that claims 7 and 14 are allowable for at least the reason discussed above regarding claims 1 and 12. Therefore, it is respectfully requested that this rejection be withdrawn.

F. Asserted Obviousness Rejection of Claim 8

In the outstanding Office action, the Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over the Tanida et al. reference in further view of the Examiner's Official Notice. The Examiner's Official Notice fails to remedy the deficiencies noted above in the Tanida et al. reference with regard to claim 1, from which claim 8 depends. Therefore, it is respectfully requested that this rejection be withdrawn

G. New Claims

New claims 21 to 24 depend from claim 1, and new claims 25 to 29 depend from claim 12. Therefore, these claims are believed to be allowable for at least the reasons set forth above.

New claim 30, and claim 31 depending therefrom, explicitly recites that the sub-pixel resolution elements are light blocking elements, and includes the limitations noted above in claims 1 and 12. Therefore, these claims are similarly believed to be allowable.

H. Conclusion

The above remarks demonstrate failings of the Examiner's rationales for the outstanding rejections, and are sufficient to overcome the outstanding rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, Applicants submit that the claims are allowable for reasons including, but not limited to,

those set forth above, and patentability of the claims does not depend solely on the particular claim element discussed above.

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.